

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY, individually and on
behalf of others similarly situated,

Plaintiff,

v.

KMART CORPORATION,

Defendant.

No. C 11-02575 WHA

**ORDER REGARDING
NOTICE OF ALLEGED
SPOILIATION OF EVIDENCE**

Plaintiff submits a letter notifying this Court of alleged spoliation of evidence and requesting instructions on how to proceed. Therefore, by **NOON ON OCTOBER 8**, plaintiff shall file a proper motion for discovery sanctions and specifically identify the relief sought. Defendant must file an opposition or statement of non-opposition by **NOON ON OCTOBER 15**. Plaintiff may then file a reply by **NOON ON OCTOBER 22**. The motion shall be heard at the pretrial conference scheduled for November 5, 2012, and will count as one of plaintiff's motions in limine.

IT IS SO ORDERED.

Dated: October 2, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE